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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,028	11/30/2000	Henry J. Molintas	82,493	9981

7590

07/22/2003

Office of Counsel Code 004
Naval Surface Warfare Center
Carderock Division Headquarters
9500 MacArthur Boulevard
West Bethesda, MD 20817-5700

EXAMINER

MANOHARAN, VIRGINIA

ART UNIT	PAPER NUMBER
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1764

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DATE MAILED: 07/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,028

Applicant(s)

MOLINTAS, HENRY J.

Examiner

Virginia Manoharan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors e.g., typographical, grammar, idiomatic, syntax and etc. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Williamson (3,489,650) or Kowalski (3,730,848).

Williamson or Kowalski is deemed to anticipate or renders obvious the features of the apparatus as broadly claimed in claim 1. See e.g., col. 4, lines 23-54 of Williamson; and cols. 1-4 of Kowalski. The Venturi nozzle (50) of Williamson, and the liquid entrant orifice and the Venturi disclosed at col. 2, line 49-52 of Kowalski are deemed to correspond to the claimed "...orifice means connecting the heat exchange means to the flash chamber for flashing conversion of the wastewater preheated in the

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heat exchange means into water vapor rising into the upper section of the flash chamber. .” Likewise, the (46) of Williamson and the mesh separator (33) of Kowalski are deemed to correspond to the claimed “..filter means within the flash chamber for limiting extraction from the rising water vapor to a condensate”

Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson or Kowalski in view of Miller (4,525,243).

Williamson or Kowalski is discussed, supra.

The claimed “pressure responsive control means” in claim 2; and the claimed “pump means includes a vacuum pump connected to the flashing chamber for withdrawal of the rising water vapor from the upper section thereof to establish the vacuum pressure therein inducing rise of the water vapor under control of the pressure responsive control means..” in claim 3 are obvious in view of Miller’s disclosure at col. 3, lines 22-25 and at col. 3, lines 55-65 respectively. To incorporate Miller’s elements above e.g., the vacuum pump and its function to the apparatus of Williamson or Kowalski would have been obvious to one of ordinary skill in the art since Miller’s elements provide substantial improvement over the prior art system. See Miller at col. 3, lines 55-65.

Note further Kowalski’s Fig. 3 rendering obvious the claimed heat absorber means within the bottom section of the flash chamber through which the incoming wastewater is conducted for heating by absorption of heat therefrom into the contaminants as claimed in claim 4.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Starmer et al, Deputy et al and Goeldner et al all disclose an apparatus including flash evaporator(s).
- b. Williamson '668, Williamson '652, Loebel '717 and Worthen et al all disclose a combined flash and vapor compression evaporator.
- c. Latham, Jr. and Lynam both disclose an apparatus wherein the salt water heater transfer its latent heat and the heat of compression to the incoming feed water.
- d. Loebel '455 discloses controlling the pressure in the system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virginia Manoharan whose telephone number is 703-308-3844. The examiner can normally be reached on Tuesday-Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-4311. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9462 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

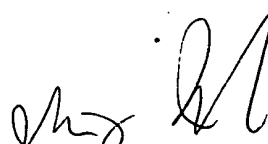
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V. Manoharan/mn

July 18, 2003


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